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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RICKIE JOHN GRATE, etc.,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. C-04-5220 MEJ

**STIPULATION TO CONTINUE
MEDIATION DEADLINE AND TO
SCHEDULE CASE MANAGEMENT
CONFERENCE, AND ~~PROPOSED~~ ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that the mediation deadline in this case, currently set for February 10, 2006, may and should be continued until March 31, 2006. In addition, the parties jointly request that this Court schedule a case management conference to be held at 10:00 a.m. on April 20, 2006.

The continuation of the mediation deadline is required because the undersigned Assistant United

States Attorney ("AUSA") to whom this case was reassigned in December is required to leave the U.S. Attorney's Office no later than January 31, 2006, pursuant to the terms of an unexpected "early retirement" offer made on January 13, 2006. Because of the short time frame involved, it was not possible for another AUSA to become sufficiently familiar with the case to conduct a meaningful mediation by the current deadline set by the Court.

Respectfully submitted,

LAW OFFICE OF SEAN M. BURKE
LAW OFFICE OF JEANNE ANNE STEFFIN

KEVIN V. RYAN
United States Attorney

/s/ Sean M. Burke
Sean M. Burke

/s/ Mark St. Angelo
Mark St. Angelo
Assistant United States Attorney

Dated: Jan. 29, 2006

Dated: 1/29/06

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 30, 2006

